

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**

IN RE:	§	CASE NO. 11-10431-B-13
ALFREDO VALLEJO and	§	
ABIGAIL COMPIAN	§	
DEBTOR(S)	§	CHAPTER 13

**FIRST AMENDED  
DEBTORS' THIRD MOTION TO MODIFY CONFIRMED PLAN AND NOTICE  
OF HEARING AND TIME TO OBJECT**

**RULE 9013 NOTICE**

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING, UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEYS.

A HEARING ON THIS PROPOSED MODIFICATION IS SET FOR APRIL 30, 2015 AT 9:00 O'CLOCK A.M. AT COURTROOM, UNITED STATES BANKRUPTCY COURT, U.S. FEDERAL COURTHOUSE, 600 E. HARRISON, BROWNSVILLE, TX 78520.

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

THE DEBTORS move to Modify their confirmed plan as follows:

1. **HISTORY OF CASE:** This case was filed on July 21, 2011 and the plan was confirmed on December 8, 2011. The plan has been previously modified on the following dates: February 14, 2013 & December 4, 2014.

2. **REASONS FOR MODIFICATION:** Debtors are modifying their confirmed plan to bring their plan payments current. Debtors fell behind because Mr. Vallejo no longer had over time available, but now joint Debtor will be filing a wage order for payment to be deducted from her pay enabling them to make the modified plan payment.

3. **PROPOSED PLAN MODIFICATION:**

K:\243\243210\third modification - 1st Amended.docx

- a. All payment defaults are cured by this modification.
- b. Future plan payments to the Trustee shall be as follows:
  - (1) Months: 1-44      Payment \$1,475.60      August 2011-March 2015
  - (2) Months: 45-60      Payment \$2,470.00      April 2015-until the 60th month

4. **INTERIM PAYMENTS:** Payments due under this modification will commence on the first due date after this modification is filed, whether or not the modification has yet been approved by the court.

5. **BUDGET:** Copies of Debtors' most recent pay stubs and tax returns have been provided to the Trustee and:

O There has been no change in the Debtors' schedules I and J since the last plan was confirmed or modified; OR

Ø Amended schedules I and J are attached as exhibit "A".

6. **ATTORNEYS' FEES:** Debtors' counsel shall be paid \$600.00 through the plan as fixed fee for this modification.

7. All provisions of Debtors' confirmed plan not modified herein shall remain in effect

I (We) declare under penalty of perjury that the foregoing represents the terms of the modified plan proposed for confirmation by Debtor(s).

/s/Eduardo V. Rodriguez  
Eduardo V. Rodriguez  
Attorney for Debtor(s)

/s/Alfredo Vallejo, Jr.  
Alfredo Vallejo, Jr., Debtor

Dated: April 10, 2015

/s/Abigail Compian  
Abigail Compian, Joint Debtor

B6I (Official Form 6I) (12/07)

In re **Alfredo Vallejo, Jr.**  
**Abigail Compian**Case No. **11-10431-B-13**  
(if known)**AMENDED-3rd Mod 4/10/2015****SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	<b>Dependents of Debtor and Spouse</b>	
<b>Married</b>	Relationship(s): Son/Student Age(s): 8 yrs. Daughter/Stud 4 yrs. Daughter 2 yrs.	Relationship(s): Age(s):
<b>Employment:</b>	<b>Debtor</b>	<b>Spouse (# of additional employers: 1)</b>
Occupation	Cook II	Receptionist
Name of Employer	Ahtna Support & Training Services, LLC	Brownsville Family Dentistry
How Long Employed	started: 2/1/2015	started: 2/19/2013
Address of Employer	<u>110 W. 38th Ave., Ste. 200D</u> <u>Anchorage, AK 99503</u>	1650 Paredes Line Rd., Ste. 103 Brownsville, TX 78521

INCOME: (Estimate of average or projected monthly income at time case filed)

	<b>DEBTOR</b>	<b>SPOUSE</b>
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	\$2,807.66	\$1,714.30
2. Estimate monthly overtime	\$0.00	\$0.00
3. SUBTOTAL	<b>\$2,807.66</b>	<b>\$1,714.30</b>
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes (includes social security tax if b. is zero)	\$321.74	\$188.58
b. Social Security Tax	\$0.00	\$0.00
c. Medicare	\$0.00	\$0.00
d. Insurance	\$93.72	\$220.23
e. Union dues	\$0.00	\$0.00
f. Retirement 401K	\$40.16	\$0.00
g. Other (Specify) / 401K	\$0.00	\$13.05
h. Other (Specify)	\$0.00	\$0.00
i. Other (Specify)	\$0.00	\$0.00
j. Other (Specify)	\$0.00	\$0.00
k. Other (Specify)	\$0.00	\$0.00
5. SUBTOTAL OF PAYROLL DEDUCTIONS	<b>\$455.62</b>	<b>\$421.86</b>
6. TOTAL NET MONTHLY TAKE HOME PAY	<b>\$2,352.04</b>	<b>\$1,292.44</b>
7. Regular income from operation of business or profession or farm (Attach detailed stmt)	\$0.00	\$0.00
8. Income from real property	\$0.00	\$0.00
9. Interest and dividends	\$0.00	\$0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$0.00	\$0.00
11. Social security or government assistance (Specify):	\$0.00	\$0.00
12. Pension or retirement income	\$0.00	\$0.00
13. Other monthly income (Specify):		
a. / 2nd Job: Gross \$135.00; Taxes: \$10.33	\$0.00	\$124.67
b.	\$0.00	\$0.00
c.	\$0.00	\$0.00
14. SUBTOTAL OF LINES 7 THROUGH 13	<b>\$0.00</b>	<b>\$124.67</b>
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	<b>\$2,352.04</b>	<b>\$1,417.11</b>
16. COMBINED AVERAGE MONTHLY INCOME: (Combine column totals from line 15)	<b>\$3,769.15</b>	

(Report also on Summary of Schedules and, if applicable,  
on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

**No Changes to Income are anticipated at this time.**

B6I (Official Form 6I) (12/07)

In re **Alfredo Vallejo, Jr.**  
**Abigail Compian**Case No. **11-10431-B-13**  
(if known)**AMENDED-3rd Mod 4/10/2015****SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)***Continuation Sheet No. 1***Additional Employment**

<b>Employment</b>	<b>Debtor</b>	<b>Spouse</b>
Occupation Name of Employer How Long Employed Address of Employer		Teacher Aide LIVINGWAY FAMILY CHURCH STARTED: 1/5/2014 350 WEST 802 BROWNSVILLE, TX 78520
<b>Employment</b>	<b>Debtor</b>	<b>Spouse</b>
Occupation Name of Employer How Long Employed Address of Employer		

B6J (Official Form 6J) (12/07)

IN RE: **Alfredo Vallejo, Jr.**  
**Abigail Compian**Case No. **11-10431-B-13**  
(if known)**AMENDED-3rd Mod 4/10/2015****SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1. Rent or home mortgage payment (include lot rented for mobile home) a. Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No b. Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. Utilities: a. Electricity and heating fuel b. Water and sewer c. Telephone d. Other: Cell	\$200.00   \$200.00
3. Home maintenance (repairs and upkeep) 4. Food 5. Clothing 6. Laundry and dry cleaning 7. Medical and dental expenses 8. Transportation (not including car payments) 9. Recreation, clubs and entertainment, newspapers, magazines, etc. 10. Charitable contributions	\$465.00 \$20.00 \$20.00 \$20.00 \$200.00
11. Insurance (not deducted from wages or included in home mortgage payments) a. Homeowner's or renter's b. Life c. Health d. Auto e. Other:	\$170.00
12. Taxes (not deducted from wages or included in home mortgage payments) Specify:	
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan) a. Auto: b. Other: c. Other: d. Other:	
14. Alimony, maintenance, and support paid to others: 15. Payments for support of add'l dependents not living at your home: 16. Regular expenses from operation of business, profession, or farm (attach detailed statement) 17.a. Other: 17.b. Other:	
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)	<b>\$1,295.00</b>
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: <b>No Changes to Expenses are anticipated at this time.</b>	
20. STATEMENT OF MONTHLY NET INCOME a. Average monthly income from Line 15 of Schedule I b. Average monthly expenses from Line 18 above c. Monthly net income (a. minus b.)	
	\$3,769.15 \$1,295.00 \$2,474.15

B6 Declaration (Official Form 6 - Declaration) (12/07)

In re **Alfredo Vallejo, Jr.**  
**Abigail Compian**

Case No. **11-10431-B-13**  
(if known)

**AMENDED-3rd Mod 4/10/2015**

**DECLARATION CONCERNING DEBTOR'S SCHEDULES**

**DECLARATION UNDER PENALTY OF PERJURY BY INDIVIDUAL DEBTOR**

I declare under penalty of perjury that I have read the foregoing summary and schedules, consisting of **5** sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Date **4/10/2015**

Signature **/s/ Alfredo Vallejo, Jr.**  
**Alfredo Vallejo, Jr.**

Date **4/10/2015**

Signature **/s/ Abigail Compian**  
**Abigail Compian**

[If joint case, both spouses must sign.]

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion to Modify Confirmed Plan was served on the date that it was filed electronically. Service was accomplished by regular First Class U.S. mail, unless otherwise requested by electronic mailing, to the following:

**Trustee:**

Cindy Boudloche, Chapter 13 Trustee  
555 N. Carancahua, Suite 600  
Corpus Christi, Texas 78478

U.S. Trustee  
606 N. Carancahua, Suite 1107  
Corpus Christi, TX 78401

**DEBTOR(S):**

Alfredo Vallejo & Abigail Compian  
2459 Segovia St.  
Brownsville, TX 78521

and to all creditors as specified on the attached Service List.

/s/Eduardo V. Rodriguez  
Eduardo V. Rodriguez